

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE STATE OF SOUTH CAROLINA, *ex. rel.* Alan M. Wilson, in his official capacity as Attorney General of the State of South Carolina,

Plaintiff,

vs.

3M COMPANY; EIDP, INC., *f/k/a* E.I. DUPONT DE NEMOURS AND COMPANY (“Old DuPont”); THE CHEMOURS COMPANY (“Chemours”); THE CHEMOURS COMPANY FC, LLC (“Chemours FC”); CORTEVA, INC. (“Corteva”); and DUPONT DE NEMOURS, INC. (“New DuPont”),

Defendants.

Civil Action No.: 2:23-cv-05979-RMG

**DECLARATION OF SCOTT REYNOLDS
IN SUPPORT OF STATE OF SOUTH
CAROLINA’S MOTION TO REMAND**

I, Scott Reynolds, hereby declare as follows:

1. That I am over the age of eighteen and have the legal and mental competency to give this affidavit.
2. I am a Senior Scientist in Environmental Affairs Administration at the South Carolina Department of Health and Environmental Control (“DHEC”).
3. I have been with DHEC for approximately forty-five years with responsibilities in management of environmental monitoring.
4. For several years, DHEC has been aware of the potential contamination of natural resources including surface waters by PFAS¹ compounds.

¹ “PFAS” refers to per- and polyfluoroalkyl substances.

5. DHEC's focus has been on identifying where PFAS is found in our environment. DHEC has engaged in a concerted effort to accumulate data to assess the amount of contamination, primarily in waters of the State of South Carolina.
6. As part of this process, DHEC has developed strategies for assessing the prevalence of PFAS in ambient surface waters, drinking water provided by South Carolina Public Water Systems, and private wells.
7. The Ambient Surface Water Strategy included samples from reservoirs, rivers, and streams across the State of South Carolina. As part of the ambient surface water testing, DHEC collected surface water samples from 107 locations, four times at each location, over one year. As part of this study, fish, oyster, and blue crab samples were also collected.
8. The Community Drinking Water Strategy provided a methodical framework for testing South Carolina's community water systems, analyzing finished water at 583 treatment plants.
9. The Private (Individual) Drinking Water Well strategy consists of DHEC sampling private drinking water wells as applications for testing are received and prioritized based on potential risk.
10. DHEC also has a focus on assessing PFAS in the state's waters contaminated as a result of effluent and sludge from wastewater treatment facilities.
11. These strategies have confirmed several things, including the fact that PFAS contamination in South Carolina's natural resources is ubiquitous, having been found in most environmental media, including soil and sediment, groundwater, surface water, and aquatic species that have been tested.

12. PFAS contamination of the State's natural resources, including groundwater, surface water, soils and wildlife is a potential threat to the health of South Carolina's citizens as well as to South Carolina's environment.
13. The known sources of PFAS environmental contamination can be divided into four major categories: (1) firefighting (2) industrial (3) consumer goods and (4) domestic sources.
14. Consumer goods and domestic sources of PFAS contamination most commonly make their way to becoming environmental contamination through the management of landfill leachate, wastewater discharges, land application of sludge, and potentially, septic tanks.
15. Industrial use of PFAS compounds most commonly contaminates the environment by way of wastewater treatment, sludge from that treatment in the form of biosolids, or direct escape from the industrial facility.
16. Firefighting foam products that contain PFAS chemicals can become a contaminant of the environment by their direct use. Certain PFAS contamination in the State of South Carolina is associated with the manufacture and use of Aqueous Film Forming Foam ("AFFF"), a firefighting material that contains PFAS. AFFF was used to control and extinguish Class B fuel fires and has been historically used at sites such as military bases, airports, and fire training centers.
17. However, there is widespread contamination of drinking water, State natural resources, and State property with PFAS from consumer, domestic, and industrial uses that is not related to AFFF.
18. There are several factors that can be used when examining the distinction between AFFF and other PFAS sources and determining whether AFFF is most probably a source in an area.

19. Significantly, PFAS compounds have been found by DHEC testing in locations where there is no known historical use of AFFF.
20. Geographic proximity to an industrial site, landfill, or area which employs the use of PFAS containing firefighting foams all create a likelihood of identifying a source.
21. Examination of the type of chemical PFAS product (ie. PFOA, PFOS, PFNA, HFPO-DA, Gen-X, PFHxS, and PFBS) and the relative concentrations in the mixture can also provide information about the possible source.
22. Groundwater and surface water flow is another indicator of the direction and probable source of PFAS contamination.
23. The amount of data collected by DHEC combined with the factors of known areas of regular use of AFFF, geographic proximity, known compound characteristics, and the established patterns of groundwater and surface flow make it possible to identify areas which are more probably than not contaminated by the use of AFFF products.
24. Accordingly, based upon the data collected and an examination of these factors, there is non-AFFF PFAS contamination of drinking water, groundwater, surface water, soil, sludge, and other resources in South Carolina and the most probable source of this PFAS contamination is at locations including hazardous waste sites, landfills, wastewater treatment plants, and farm fields. This is especially true in areas in which PFAS compounds have been found by DHEC testing in locations where there is no known historical use of AFFF.

FURTHER DECLARANT SAYETH NAUGHT.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated at Columbia, South Carolina, this 5th day of December, 2023.

s/Scott Reynolds
Senior Scientist,
Environmental Affairs Division
South Carolina Department of Health and
Environmental Control